

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WAVERLY WHITE,	§
	§
Defendant Below-	§ No. 493, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0110013949
Plaintiff Below-	§
Appellee.	§

Submitted: December 29, 2008

Decided: February 18, 2009

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 18<sup>th</sup> day of February 2009, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated September 4, 2008. The Superior Court did not err in concluding that appellant's fifth motion for postconviction relief was time-barred and repetitive and that appellant had failed to overcome these procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice